

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

708A0359

SENATE BILL NO. 174

Introduced by: Senators Albers, Daugaard, and Hainje and Representatives Broderick and Moore

1 FOR AN ACT ENTITLED, An Act to revise the provisions concerning the procedure for filing
2 a summons.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 15-2-30 be amended to read as follows:

5 15-2-30. An action is commenced as to each defendant when the certified copy of the
6 summons, which has been filed with the clerk of courts, is served on ~~him~~ the defendant, or on
7 a codefendant who is a joint contractor or otherwise united in interest with ~~him~~ the defendant.

8 Section 2. That § 15-2-31 be amended to read as follows:

9 15-2-31. An attempt to commence an action is ~~deemed~~ equivalent to the commencement
10 thereof when the the certified copy of the summons, which has been filed with the clerk of
11 courts, is delivered, with the intent that ~~it~~ the summons shall be actually served, to the sheriff or
12 other officer of the county in which ~~the~~ one or more of the defendants ~~or one of them,~~ usually
13 resides or last resided; or if a corporation ~~be~~ is the defendant, to the sheriff or other officer of
14 the county in which such corporation was established by law, or where its general business was
15 transacted, or where it kept an office for the transaction of business. ~~Such an~~ An attempt ~~must~~

- 1 shall be followed by the first publication of the summons, or the service thereof of the summons,
- 2 within sixty days.